

Interview Summary	Application No.	Applicant(s)	
	10/500,521	SCHREIBER, GIDEON	
	Examiner	Art Unit	
	Fereydoun G. Sajjadi	1633	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Fereydoun G. Sajjadi. (3) Teddy C. Scott, Jr.
 (2) Dave T. Nguyen. (4) _____.

Date of Interview: 27 October 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 62-86.

Identification of prior art discussed: _____.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In two separate interviews conducted between the examiner, the examiner's supervisor (Dave T. Nguyen) and applicant's representative, (Teddy C. Scott, Jr, Ph.D) on October 27, 2005, applicant's representative indicated an error in the restriction requirement dated 10/6/2005. The error involved the restriction between claims drawn to nucleic acid and protein, as would be applied in a regular US application. However, because the instant application is a 371, the restriction was applied incorrectly and is therefore withdrawn by the examiner. Since the requirement for the election of species still remained in the case, an oral election of was made by applicant's representative for species recited in claims 64, 66, 83 and 85, with traverse. Further, applicant's representative inquired as to the application of Markush Practice in a 371 case. The following is from MPEP Chapter 1800, Patent Cooperation Treaty, under the heading: Illustrations of Particular Situations:

*>B. < "Markush Practice"

The situation involving the so-called Markush practice wherein a single claim defines alternatives (chemical or non-chemical) is also governed by PCT Rule 13.2. In this special situation, the requirement of a technical interrelationship and the same or corresponding special technical features as defined in PCT Rule 13.2, shall be considered to be met when the alternatives are of a similar nature.

When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:

(A) All alternatives have a common property or activity; and

(B)

(1) A common structure is present, i.e., a significant structural element is shared by all of the alternatives; or

**>

(B)

(2) < In cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.